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October 5, 2009

Ms. Karen Scarborough
Undersecretary of Resources
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

**Subject: SRCSD Comments on Chapter 3:
Draft Conservation Strategy August 3, 2009**

Dear Ms. Scarborough:

The Sacramento Regional County Sanitation District (SRCSD) provides wastewater collection and treatment services to 1.3 million residents of the greater Sacramento area. SRCSD has designed, constructed and operates its treatment system in accordance with a National Pollutant Discharge Elimination System (NPDES) permit, issued by the State of California with approval by USEPA, providing protection of beneficial uses of the Sacramento River and Sacramento-San Joaquin Delta in accordance with the federal Clean Water Act and the California Water Code.

SRCSD is providing the following comments on the August 3, 2009, *Chapter 3: Draft Conservation Strategy (Chapter 3)*. SRCSD's comments primarily pertain to Section 3.4.1 Water Operations Conservation Measures and Section 3.4.3 Other Stressors Conservation Measures. SRCSD has previously provided comments on a number of draft versions of the information contained in Chapter 3 and appreciates the modifications that have been made in the current version to address a number of our concerns. As noted in the following, however, SRCSD has a number of remaining concerns with the information presented in Chapter 3 and requests that additional changes be made to address these issues. The focus of this comment letter is to provide the Steering Committee our overarching comments with Chapter 3. Then under a separate cover letter, SRCSD's specific technical comments will be submitted using the recommended "Bay Delta Conservation Plan Review Document Comment Form", as well as our additional comments on the DRERIP Evaluation.

In reviewing the draft chapter in its entirety, an overarching concern is the absence of an overall context or prioritization for the conservation measures that are presented. Top priority should be placed on activities and locations where fish are currently known to be lost. Unfortunately, there is no prioritization effort in the Chapter 3 menu of conservation measures. SRCSD suggests that it would be helpful to the reader if the actions with the most immediate impact/benefit to covered fish species were listed first.

The BDCP has, in the draft Chapter 3 and in other documents and venues, been very determined in emphasizing the importance of “other stressors” in comparison to other conservation measures, other elements of the proposed project and the ongoing impacts of water project operations. This emphasis diverts attention from effects of current and proposed Delta exports that are known to cause direct mortality to fish, through entrainment, encouragement of predation, and salvage. In fact, close examination of many of the Other Stressors conservation measures indicates that the effects of other stressors are, to a large degree, hypothetical. Conservation measures to reduce loads of contaminants are of largely unknown benefit, and must be preceded by a consideration of the associated changes in ambient concentrations in the Delta. Such consideration is important to avoid wasting resources on load reductions which may have no significant effect on ambient levels and, therefore, no measurable benefit to covered species.

Flow/Conveyance Conservation Measures

The stated basis for sizing of the proposed north Delta diversion and conveyance facilities is to match existing South Delta pumping capacity. That capacity was established in the 1960’s or before with a singular focus on water supply and no knowledge of the Pelagic Organism Decline (POD) or consideration of the need to limit exports. Matching the size of proposed new facilities to that capacity is not supportable from an ecosystem restoration/preservation perspective.

The proposed facilities and operational plan begs the following questions:

- What is the maximum sustainable flow that can be exported from the Delta through the SWP and CVP?
- What is the minimum flow necessary to remain in the Delta to ensure a sustainable ecosystem?
- What impact have increased exports had on the POD?
- What operational constraints are needed to restore and protect Delta fisheries and the Delta ecosystem?

A project to take equal or more water should never be approved without answering these questions first. Alternative sustainable supplies (e.g. desalination) should also be described and evaluated as a conservation measure and the concept of Delta sustainability should be a focus, not a void in the document.

In addition, information from the 2009 federal Biological Opinion for salmonids indicates exorbitant loss rates of 5 in 6 fish lost that are drawn into Clifton Court Forebay and the State Water Project pump vicinity and 2 in 3 fish lost that are pulled into the vicinity of the Central Valley Project pumps. This information is missing from the draft Chapter 3 and should be included and emphasized to generate awareness for the need for near term actions to address these ongoing losses of covered species. In addition, a clear goal should be included in this chapter to reduce the ongoing, documented losses of fish due to the existing SWP and CVP export pumping operations.

There has been much discussion within the BDCP Steering Committee and in Chapter 3 about sustaining certain levels of “bypass flows” in the Sacramento River. “Bypass flows” is a misnomer which reflects a “water project mindset” instead of a “natural system preservation mindset”. These “bypass flows” are actually the flows that occur in the Sacramento River. The word “bypass” conveys an unnatural connotation to the flow that is already in the river. The document should refer to the “bypass” criterion as the “minimum Sacramento River flows at the proposed intake locations” to clarify this criterion for the public and project operators.

According to the draft Chapter 3, the conservation plan preference is to construct and operate the most upstream diversion points to reduce effects of low Sacramento River flow on tidal reversals. These points are the closest to, and in at least one case upstream of, SRCSD’s discharge point in the Sacramento River, thereby significantly effecting SRCSD operations. The BDCP, and others, have recognized that changes in the direction and magnitude of Delta currents in response to export diversions have adversely affected the migration and movement of Delta species. Changes in the minimum flows that remain in the Delta as well as the frequency and duration of reverse flows in the northern Delta may have a similar potential to adversely affect not only ecosystem processes and species, but the Sacramento region’s public infrastructure as well. For instance, the proposed new alternative conveyance facilities will significantly affect the Sacramento River’s flow and as a result, could force the construction and operation of costly treatment facilities that would not otherwise be necessary.

Chapter 3 contains proposed and alternative operating rules for the North Delta diversion, including minimum flow rates in the Sacramento River. SRCSD and others are extremely concerned with the proposed rules, since at average daily flows below 10,000 cubic feet per second (cfs) in the Sacramento River, reverse flow conditions occur more frequently. The proposed project operations contained in Chapter 3 would induce more frequent reverse flows - preliminary BDCP modeling has already shown an increase in reverse river flows if the proposed project is implemented. Any increase in the frequency of these events will likely have significant impacts on the operations and maintenance of SRCSD’s treatment plant. For instance, the treated effluent from SRCSD’s treatment plant must be diverted to onsite storage basins during reverse Sacramento River flows. Even if the planned operating regime restricts BDCP diversions to the ebb tide, we are convinced that the potential impacts upon SRCSD operations may be significant and should be studied under all plausible operating regimes, at the appropriate resolution, so that the full range of possible impacts is well documented. We are not alone in our concerns, as demonstrated by the August 26, 2009 joint letter from EBMUD, Sacramento County Water Agency, and SRCSD, to the DWR project manager for the Delta Habitat Conservation and Conveyance Program. Our joint concerns are that reverse flows will cause more frequent shutdowns of the Freeport River Water Authority system based on the planned operation of that facility, and as highlighted previously, will affect SRCSD’s operations and increase diversions of treated effluent.

Other Stressor Conservation Measures

As SRCSD has re-iterated in many forums and letters, it supports the use of sound science as efforts move forward to address problems with the Delta ecosystem, and it has been willing to engage and provide technical experts to assist in various scientific research efforts and modeling evaluations taking place. However, the Other Stressor Conservation Measures still contain inaccurate and misleading information regarding ammonia and other stressors. One specific concern is that the BDCP draft Chapter 3 omits pertinent comparisons of more recent compilations of ambient ammonia data from the Delta with effects thresholds that have been proposed for actual covered species (Delta smelt and salmonids). These latter results were presented by several investigators at high profile, public forums which were held in 2009 (sponsored by CALFED and the IEP). As a result, SRCSD will again provide detailed technical comments and requested corrections to ensure the BDCP incorporates the most current scientific understanding of the potential role of ammonia and EDCs in the Delta, and integrates the existing state of the science into the ammonia and EDC conservation measures. We will also be submitting additional comments on the DRERIP evaluations that builds upon comments we previously provided in May 2009.

The need to integrate the most current science is supported by others as well. For instance, the *BDCP Adaptive Management Independent Science Report February 2009* used ammonia to illustrate the need for goals and objectives to be articulated clearly, in addition to the existing knowledge base being integrated into models (conceptual or otherwise) to identify expected outcomes. The independent scientific reviewers also made many statements suggesting a need to more completely include and apply existing knowledge about the Delta to the development of conservation measures and the adaptive management plan.

Other recent efforts in the scientific community have also pointed to the need to integrate scientific models. In 2009, SRCSD co-sponsored one ammonia workshop in March, in conjunction with the State Water Contractors, through CalFed, and participated in an ammonia summit, held by the Central Valley Regional Water Quality Control Board and CalFed in August. The results have clearly indicated the need to use integrative modeling approaches that start with the hydrology of the system, including water exports. An expert panel of national scientists found that ammonia's role in the Delta is *not conclusive*, either related to direct toxicity or food inhibition. However, to make the determination regarding ammonia's role, it is necessary first to develop an ecosystem model that begins with hydrology of the system. We would like to work with BDCP participants to support CalFed sponsored independent scientific workshops on such modeling, to increase our understanding of the ecosystem impacts on covered fish species by the export of water from the Delta.

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Closing Remarks

In closing, SRCSD supports efforts underway to find solutions to ensure a sustainable Delta. However, any solutions must integrate current science and address how different factors are contributing to the Delta's decline and to what degree, so corrective actions can be prioritized. Prudent research, policy and fiscal management dictate that the largest known impacts be tackled first, instead of committing significant resources just to nibble around the edges of the problem. Furthermore, any solutions and funding of those solutions to address problems that are attributed to current or future Delta conveyance and export operations should be the sole responsibility of the SWP and CVP project beneficiaries. It is critical that any approaches recommended as conservation measures avoid unintended and inequitable impacts on third parties and the ecosystem. As a result, all conservation measures should be evaluated to assess the environmental and social impacts, costs and benefits of recommended actions. Ultimately, those beneficiaries of water diversions from the Delta should be accountable for funding actions resulting from these conservation measures.

SRCSD hopes that providing you comments at this stage in the development of the BDCP is beneficial and prevents inaccurate information and foregone conclusions from moving forward that will not withstand scientific and technical scrutiny, nor demonstrate a benefit to the ecosystem. We look forward to continued involvement in development of a BDCP that will result in the recovery of the Delta ecosystem.

Please contact me at 916-875-9101 if you have any questions.

Sincerely,



Stan Dean
Director of Policy and Planning

cc: BDCP Steering Committee Members
Lester Snow, DWR
Cliff Dahm, CalFED
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